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SUBJECT: German Out-Of-Area Deployment Update: March 2009

REF: A) 08 Berlin 1695
B) 08 Berlin 1664

Summary

1. (SBU) As of March 24, Germany had a total of 7,304 military personnel deployed in the following out-of-area (OOA) missions, up from 7,200 in December (ref A). More detailed information about each mission can be found in the indicated paragraphs of this cable:

| Mission | Personnel | Paras |
|---------------------|-----------|-------|
| ----- | ----- | ----- |
| ISAF | 3,881 | 5-17 |
| KFOR | 2,516 | 18 |
| OEF | 259 | 19-22 |
| UNFIL | 227 | 23-24 |
| Atalanta | 222 | 25-30 |
| EUFOR Bosnia | 139 | 31-33 |
| UNIMIS/UNAMID | 35 | 34-36 |
| UNOMIG | 16 | 37 |
| Crisis Support Team | 4 | 38 |
| EUSEC | 3 | 39 |
| OSCE Georgia | 1 | 40 |
| UNAMA | 1 | 41 |

2. (SBU) In addition, Germany had 2,200 military personnel on stand-by for the NATO Response Force (NRF). There are currently no soldiers on stand-by for the EU's Battle Groups. All armed military OOA deployments, with the exception of those in support of UN observer missions, require parliamentary approval. OOA deployments are defined as deployments outside Germany's territory where the German military could become part of an armed conflict. This cable also provides an overview of the law governing OOA deployments (paras 3-4), Bundeswehr transformation (paras 40-41), total expenditures for OOA deployments (para 42) and statistics on German military personnel killed during OOA deployments (para 43). END SUMMARY.

The Deployment Law

3. (SBU) According to a landmark 1994 Constitutional Court decision and a subsequent 2005 Deployment Law, the Bundestag must pre-approve the deployment of any German armed forces outside of Germany. The Deployment Law does provide for urgent armed deployments to go forward without the prior approval of the Bundestag, but most German officials view this exception as applicable only in the most exigent of circumstances, e.g. when there is literally no time to obtain

Bundestag approval between the outbreak of a crisis and the need to respond militarily. Even in these circumstances, the Deployment Law requires the government to seek Bundestag approval as soon as possible. If approval is not granted, the deployment must be terminated.

¶4. (SBU) The German Constitutional Court ruled in May 2008 that the government's decision to allow German air crews to participate in the NATO AWACS mission in Turkey in 2003, on the eve of the war in Iraq, without first seeking approval of the Bundestag, was unconstitutional. This ruling is likely to make it even more cumbersome for the government to deploy German armed forces overseas. The Court dismissed the assertion of the then-Social Democratic/Green coalition government that the AWACS deployment was just a "routine," unarmed reconnaissance mission, holding that there were "tangible, factual indicators" that the German AWACS air crews could have been drawn into armed conflict. The Court reaffirmed the Bundeswehr as a "parliamentary army," underscoring that the German Basic Law (Constitution) "entrusted the decision about peace and war to the German Bundestag as the representative body of the people." The Court emphasized that when in doubt about whether it is necessary to obtain Bundestag approval, the government should err on the side of seeking parliamentary permission.

International Security Assistance Force (ISAF)

PARLIAMENTARY MANDATE

¶5. (SBU) The Bundeswehr currently has 3,881 military personnel operating under ISAF in Afghanistan (up from 3,530 in December).

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These personnel are deployed under a mandate approved by the Bundestag on October 17, 2008, which will run until December 2009. This means the mandate will not come up for renewal until after the scheduled parliamentary election in September 2009 and after the new Bundestag is seated. The mandate authorizes the German government to deploy up to 4,500 military personnel, 1,000 more than the 2007-08 mandate. The mandate also includes language that puts the deployment of German radio operators in the southern province of Kandahar on firmer legal grounds.

GENERAL

¶6. (SBU) Germany has been active in ISAF since the operation's inception in January 2002, and was the first country to volunteer to lead an ISAF Provincial Reconstruction Team (PRT) outside of Kabul. Germany currently commands ISAF's northern region (RC-North), where it leads two of the five PRTs (Kunduz and Feyzabad) as well as the Forward Support Base in Mazar-e Sharif. Since July 2008, Germany has also provided the bulk of the troops for the RC-North Quick Reaction Force. Germany is currently in the process of building the QRF up to battalion size, as required by the new ISAF Combined Joint Statement of Requirements. On February 23, 2008 Germany inaugurated a Provincial Advisory Team (PAT), a mini-PRT in Takhar province, which consists of some 45 soldiers and civilians.

NEW DEPLOYMENTS

¶7. (SBU) The Bundeswehr is currently in the process of deploying some 620 additional troops to Afghanistan, which should increase the size of the German contingent to a total of 4,100 by June. Some 220 soldiers are being deployed temporarily in support of the Afghan presidential election in August, while 400 are being sent to permanently augment the German contingent.

¶8. (SBU) The temporary election support forces include a logistics company, several infantry platoons, a deployable medical unit, and several CIMIC and PsyOps teams. Germany will also temporarily deploy two additional CH-53 helicopters during that time period. The 400 permanent troops will be used to bring the RC-North QRF up to battalion size and to reinforce the PRTs in Kunduz and Feyzabad.

FUTURE DEPLOYMENTS

¶9. (SBU) The German government supports COMISAF's request for NATO AWACS and was hoping to incorporate the authorization for the participation of German aircrews in the latest ISAF mandate. Those plans were dashed when France blocked a NATO decision giving the green light for planning the mission. Therefore, the government will have to seek a stand-alone mandate on AWACS later, if and when there is a NATO decision authorizing the mission. If this comes to pass, the German contingent will increase by approximately 200 personnel.

SUPPORT FOR THE ANA

¶10. (SBU) Germany currently provides Operational Mentoring and Liaison Teams (OMLTs) for Afghan National Army (ANA) maneuver units based in Mazar-e Sharif and Feyzabad that are part of the 209th ANA Corps. It also contributes to two multinational OMLTs -- one for the HQ of the 209th Corps and the other for the HQ of the 1st Brigade of the 209th Corps. Both HQs are located in Mazar-e Sharif.

¶11. (SBU) Germany plans to contribute five additional OMLTs as a new ANA brigade (2nd Brigade, 209th Corps), and its subordinate battalions, are fielded in the north over the next several months. Germany has already built garrisons for some units of the new brigade, and has already started thinking about how to accommodate the possible deployment of a third brigade in Region North as part of the enlargement of the ANA to 134,000 personnel.

¶12. (SBU) Germany has expanded a drivers and mechanics school in Kabul into an ANA logisticians' training center, and is now planning to expand it further to create a combat support school encompassing several different specialties. In support of a CSTC-A plan for ANA branch schools, Germany is also planning to establish a combat engineering school in Mazar-e Sharif.

AREA OF OPERATIONS

¶13. (SBU) The German ISAF mandate defines their area of operations as the northern region and Kabul. Nevertheless, an exception in the mandate allows for temporary, limited deployments to other parts of

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the country on a case-by-case basis if deemed "absolutely necessary" to the overall ISAF mission.

¶14. (SBU) In the fall of 2007 and again in May 2008, Defense Minister Jung approved the temporary deployment of a small number of Bundeswehr soldiers outside the north to provide medical and intelligence support to combat operations against insurgents in Region West. None of the German soldiers, however, were directly involved in combat operations. German OMLTs assigned to infantry ANA battalions have not been allowed to deploy outside the north, or in some cases, on certain missions within the north.

¶15. (SBU) Meanwhile, the ISAF mandate allows German Tornado reconnaissance aircraft to operate throughout Afghanistan, but restricts the resulting information from being distributed outside of ISAF channels. The information can only be passed to OEF in instances where doing so directly supports ISAF operations. Since the end of January 2008, Germany has provided two additional C-160 Transall aircraft in Afghanistan to ISAF, bringing the total to eight.

SUPPORT FOR FDD

¶16. (SBU) Germany began participating in the CSTC-A Focused District Development (FDD) police training program in January. The Germans plan to train and mentor the police forces of eight districts around Mazar-e Sharif during 2009. Each German Police Mentoring Team (PMT) consists of four military policemen, in addition to four civilian police officers, and two interpreters. Some 45 military policemen support Germany's participation in FDD, along with 50 civilian police officers.

COST

¶17. (U) Germany expects to spend 688.1 million Euros on its ISAF deployment from October 2008 to December 2009.

Kosovo Force (KFOR)

¶18. (SBU) Germany currently has 2,516 military personnel (compared to 2,670 in December) in KFOR, far below the authorized troop ceiling of 8,500 military personnel. In cooperation with Austria, Germany provides an Operational Reserve Force (ORF) battalion on stand-by in Germany to reinforce KFOR as necessary. The ORF was in Kosovo for a familiarization exercise February 15-March 15. The mandate is extended automatically each year unless there is a change to the UNSC Resolution framework for the Kosovo Force. The German MOD has expressed concern about drawing KFOR down to a deterrence presence in 2010, especially given the continued existence of parallel Serbian authority structures in Kosovo.

Operation Enduring Freedom (OEF)

¶19. (SBU) The 2008 OEF mandate, approved by the Bundestag on November 14, significantly reduced the geographic area in which the Bundeswehr is allowed to operate under OEF. South and Central Asia (including Afghanistan), the Arabian peninsula and Northeast Africa were removed from the mandate, leaving just the Horn of Africa and surrounding waters. Moreover, the overall troop ceiling was cut from 1,400 to 800, and the controversial authorization to deploy up to 100 German Special Forces (KSK) was eliminated. This means that Germany's participation in OEF is now restricted solely to maritime operations. German military forces no longer have the ability to participate in combat operations under OEF in Afghanistan. The mandate was extended for 13 months (rather than the normal 12) so that it will not come up for debate and renewal until after the September 2009 parliamentary elections and the new Bundestag is seated.

¶20. (SBU) While these changes may have been symbolically important, they had no practical effect on German contributions to OEF operations in Afghanistan or elsewhere. The Germans had reportedly not deployed the KSK under OEF since 2002-03, which was one of the arguments used by OEF skeptics to push for eliminating this part of the parliamentary mandate. In January 2009, Germany assumed command of OEF Task Force 150 in January and deployed one frigate (currently the Mecklenburg-Vorpommern) and some 259 sailors off the Horn of Africa under OEF. German navy ships deployed under OEF still are not authorized to conduct counter-piracy operations, beyond providing emergency help to stop the take-over of a ship by pirates.

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However, the parliamentary mandate for the Bundeswehr's participation in the EU "Atalanta" Operation provides the option of temporarily reassigning German OEF ships to the EU so they can carry out counter-piracy tasks.

¶21. (SBU) Despite the removal of the controversial KSK element from the OEF mandate, a notable number of Social Democratic (SPD) parliamentarians (25 out of the 222-member caucus) defied their party leadership and voted against the mandate. The upward trend in SPD opposition reflects first and foremost that the OEF brand name in Germany has been badly maligned in recent years. It also reflects the growing sentiment among left-of-center political forces that seven years after 9/11, it is time to "regularize" OEF and have it mandated through a UNSCR, rather than continuing to base it on the self-defense provisions of Article 51 of the UN Charter.

¶22. (U) The German government expects to spend 48 million Euros on its participation in OEF from November 2008 to December 2009.

United Nations Interim Force in Lebanon (UNIFIL)

¶23. (SBU) Germany gave up command of UNIFIL's naval component in March 2008, but still has 227 military personnel deployed (compared to 220 in December). The current mandate, authorizing up to 1,400 military personnel, was extended on September 17, 2008. On February 29, 2008 Germany handed over the command of UNIFIL's naval component to EUROMARFOR, a joint, non-permanent fleet including Portugal, Spain, France and Italy. An Italian officer assumed command.

¶24. (U) Germany expects to spend 89.6 million Euros over the next year on its UNIFIL contributions.

EU Counter-Piracy Mission Atalanta

¶25. (U) On December 19, the Bundestag approved a parliamentary mandate for the Bundeswehr's participation in the EU counter-piracy "Atalanta" operation off the Horn of Africa. The mandate authorizes the German navy to perform the full spectrum of tasks authorized under the EU Joint Decision, including the use of force to end acts of piracy and to conduct "opposed" boardings. The mandate also gives the German navy authority to sink pirate ships if necessary. There are no national caveats. Germany currently has dedicated one frigate (the Rheinland-Pfalz) to the operation.

¶26. (SBU) There are currently 222 sailors under Atalanta, but the mandate has a troop ceiling of 1,400, so that other German naval ships which happen to be in the region on other operations (i.e., a Standing NATO Maritime Group or OEF's Task Force 150) can be brought under the EU mission temporarily to carry out counter-piracy missions as required. While the area of operation extends up to 500 nautical miles from the Somalian coast and its neighboring states, the mandate does not authorize the pursuit of pirates on land. The mandate expires December 15, 2009.

¶27. (SBU) A difficult issue for Germany is how to deal with captured pirates (see ref B for more details). While a German Navy frigate captain can decide on his own authority whom to take into custody, an ad hoc interagency committee in Berlin consisting of representatives from MFA, MOD, MOI and the Justice Ministry is supposed to decide whether that individual should be brought to Germany for prosecution, turned over to a third country (like Kenya, with whom the EU has agreement) or simply released on the Somalian coast. But in practice, the role of this ad hoc committee has been overtaken by the German courts, which have the last word on whether a captured pirate suspect is prosecuted in Germany.

¶28. (SBU) There have been two cases so far involving the capture of pirates by the Germany Navy. In the first case, nine pirates were captured on March 3 after they tried to take over a German-owned freighter. The Hamburg State Prosecutor in the end declined to pursue charges against the suspects, given that no direct German interests were affected -- none of the crew was German and the ship was not damaged. Instead, the suspects were turned over to Kenyan authorities for prosecution under a recently negotiated agreement with the EU. However, that did not end German involvement in the case -- since then, German authorities have had to undertake extensive efforts to provide the required evidence and witnesses to ensure a successful prosecution.

¶29. (SBU) In the second case, seven pirates were captured March 30

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after they attacked a Germany Navy supply ship, apparently in the mistaken belief that it was a commercial vessel. The decision about possible prosecution in Germany lies with a German judge in Kiel, but the political debate over whether this is advisable or not is still raging. While MOD, MFA and the Justice Ministry favor prosecution in Germany, the MOI opposes bringing the pirates to Germany, arguing that the suspects would almost certainly claim asylum, making it virtually impossible to send them back to Somalia. MOI worries that once word got out that the seven had been allowed to stay in Germany as refugees, it would create a perverse incentive to attack German vessels. There is also concern about the strength of the case against the suspects. The definition of piracy does not

apply to attacks on naval vessels, and the attack consisted of just three shots from a hand gun from long range, none of which apparently hit the German vessel or the crew.

¶30. (U) The government expects to spend 45 million Euros on this deployment over the next year.

European Union Force (EUFOR) Bosnia

¶31. (SBU) Germany currently has 139 soldiers (120 in December) in Bosnia as part of the EU's Operation "Althea." Most of the German soldiers are deployed as liaison and observer teams. The mandate, last amended December 1, 2007, allows the deployment of up to 2,400 military personnel. This operation extends automatically unless there is a change to its underlying UNSC resolution. In 2007, Germany reduced its military presence in Bosnia by more than 700 military personnel in coordination with other allies. Germany is relying more on home-based reserve forces and less on deployed troops to provide the necessary security support for the implementation of reform measures mandated by the Dayton Peace agreement.

¶32. (SBU) While some Allies have been pressing to end the EU deployment, arguing that there are no longer any military objectives to achieve, Germany supports EUFOR remaining in place until the 5-plus-2 agenda of objectives and conditions is implemented, allowing the Office of the High Representative to close down and transition to a EU Special Representative.

¶33. (U) Germany spends 158 million Euros per year on EUFOR Bosnia.

Sudan (UNAMID and UNMIS)

¶34. (SBU) Germany currently has 34 military observers (41 in December) taking part in the UN Mission in Sudan (UNMIS). These observers monitor the implementation of the Comprehensive Peace Agreement. The parliament imposed a caveat barring military observers from going to Darfur without prior consultation with the Bundestag Foreign Relations Committee's chairman and ranking members. The mandate, which was extended for an additional year on September 17, 2008, allows for the participation of up to 75 German military observers. Germany spends approximately 1.4 million Euros per year for its support to UNMIS.

¶35. (SBU) In November 2007, the Bundestag replaced its old AMIS mandate, with a new mandate supporting the UN/AU hybrid mission in Darfur (UN Assistance Mission in Darfur, UNAMID). This mandate was extended on September 17, 2008. It authorizes the Bundeswehr to deploy transport aircraft and up to 200 troops in support of the UN/AU hybrid mission. Currently, there is just one Bundeswehr member serving under mandate.

¶36. (U) Germany spends approximately 2 million Euros per year for its support to UNAMID.

Georgia (UNOMIG)

¶37. (SBU) Germany has been part of the UN Observer Mission in the Abkhazian region of Georgia (UNOMIG) since 1998 and currently has 16 military personnel (up from 12 in December) stationed there, most of whom are medical personnel and military observers. To meet a UN request for additional medical personnel, the German cabinet decided in August 2007 to raise the personnel ceiling for this mission from 13 to 20.

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Crisis Support Team

¶38. (SBU) The Bundeswehr currently has four military personnel stationed at one or more German embassies providing security advice and assistance.

EUSEC Democratic Republic of Congo

¶39. (SBU) The Bundeswehr currently has three military personnel serving in the EU mission to the Democratic Republic of Congo (EUSEC), which is charged with providing advice and assistance on security sector reform to the government. EUSEC has been in place since 2005 and currently totals 46 personnel.

OSCE Mission to Georgia

¶40. (SBU) Germany has been a contributor to the OSCE's mission in the South Ossetian region of Georgia since the operation's beginning in 1992. There is currently one Bundeswehr military observer participating in the OSCE mission (down from two in December). This Bundeswehr member is among the 20 additional OSCE military observers rapidly deployed to the region in August 2008 following the Russian-Georgian conflict. They were intended to reinforce and support the long-standing contingent of eight OSCE military observers. The German cabinet authorized the MOD on August 28, 2008 to deploy up to a total of 15 Bundeswehr personnel under the OSCE mission, in support of original OSCE plans to deploy a total of 100 additional military observers.

UNAMA

¶41. (SBU) One military observer is seconded to the United Nations Assistance Mission in Afghanistan (UNAMA).

Strategic Medical Evacuation

¶42. (SBU) The Bundeswehr has seconded 41 military personnel to Strategic Medical Evacuation (STRATAIRMEDEVAC), for which no parliamentary mandate is required, since it is not an armed deployment, and the stand-by aircraft are stationed in Germany.

Other Force Commitments

¶43. (SBU) The Bundeswehr currently has 2,200 soldiers committed for the thirteenth rotation of the NATO Response Force (NRF). Germany will provide 2,900 soldiers for NRF-14. There are currently no Bundeswehr soldiers assigned to EU Battle Groups in the first half of 2009 (compared to 1000 in the second half of 2008). Germany will provide an operational HQ of 70 personnel for the Czech/Slovak EU Battle Group in the second half of 2009.

Bundeswehr Transformation

¶44. (SBU) The Bundeswehr is currently undergoing a transformation process, the goal of which is to be able to send up to 14,000 soldiers to as many as five different theaters for stabilization missions by 2010. The Bundeswehr will be reduced from its pre-transformation level of 270,000 to a final strength of 250,000 (162,300 Army, 62,700 Air Force and 25,000 Navy). The new Bundeswehr will be composed of three different groups: 35,000 for intervention forces, 70,000 for stabilization forces, and 147,000 for support forces.

¶45. (SBU) Part of the Bundeswehr's transformation is a comprehensive re-basing program, which is also intended to be completed by 2010. Transformation also includes the procurement of new equipment to

fill capability gaps, mainly in the fields of strategic air lift, network centric warfare, and armored vehicles. Due to limited funding (Germany spends just 1.3 percent of its GDP on defense, with few prospects of significant increases in the future) and defense

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industry delays (mainly EADS), the equipment side of the transformation is behind schedule.

Total Expenditure for Out-of-Area Deployments

¶46. (U) Germany spent 11.5 billion Euros on out-of-area deployments during the period 1992-2008. A break-down by fiscal year, in millions of Euros:

| | |
|---------|---------|
| FY 1992 | 39.6 |
| FY 1993 | 213.8 |
| FY 1994 | 83.5 |
| FY 1995 | 131.1 |
| FY 1996 | 285.6 |
| FY 1997 | 254.8 |
| FY 1998 | 182.6 |
| FY 1999 | 553.9 |
| FY 2000 | 1,076.1 |
| FY 2001 | 1,191.8 |
| FY 2002 | 1,502.1 |
| FY 2003 | 1,352.8 |
| FY 2004 | 1,052.3 |
| FY 2005 | 884.3 |
| FY 2006 | 893.8 |
| FY 2007 | 910.7 |
| FY 2008 | 917.4 |

Personnel Killed In Out-Of-Area Deployments

¶47. (U) According to a MOD report, 13 military personnel have been killed in hostile action during out-of-area deployments since 2001. A total of 76 Bundeswehr members died abroad during this time period, but this includes accidents, natural deaths, suicides and improper handling of ammunition.

| Year | Killed |
|------|--------|
| ---- | ----- |
| 2001 | 1 |
| 2002 | none |
| 2003 | 5 |
| 2004 | none |
| 2005 | 1 |
| 2006 | none |
| 2007 | 3 |
| 2008 | 3 |

KOENIG